

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

Roger L. Stoltz,

Plaintiff,

Case No. 3:07-cv-429

-vs-

District Judge Thomas M. Rose

Michael J. Astrue,

Magistrate Judge Michael R. Merz

Commissioner of Social Security,

Defendant.

**ENTRY AND ORDER ADOPTING REPORT AND
RECOMMENDATIONS OF THE MAGISTRATE JUDGE (DOC. 16),
OVERRULING DEFENDANT'S OBJECTIONS (DOC. 17), AFFIRMING
THE COMMISSIONER'S DECISION THAT PLAINTIFF WAS NOT
DISABLED AND NOT ENTITLED TO BENEFITS UNDER THE ACT,
AND TERMINATING THE CASE FROM THE DOCKET OF THIS
COURT.**

This matter comes before the Court pursuant to Objections (Doc. 17) to the Report and Recommendations of Magistrate Judge Michael Merz (Doc.16) recommending that the Court affirm the decision of the Commissioner of the Social Security Administration that Plaintiff was not disabled and not entitled to benefits under the Social Security Act, 42 U.S.C. § 423, *et seq.*

The Court has reviewed the findings of the Magistrate Judge and pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), has made a de novo review of the record in this case. Upon consideration of the foregoing, the Court finds the Objections (Doc.17) are not well-taken and are hereby **OVERRULED**.

The Court **ADOPTS** the Report and Recommendations (Doc. 16) in it's entirety. The Court hereby **AFFIRMS** the decision of the Commissioner that Plaintiff was not disabled and therefore not entitled to benefits under the Act. The clerk is **ORDERED** to dismiss this case with prejudice.

January 22, 2009

s/THOMAS M. ROSE

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE